

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper No. 133-35

Filed by: Trial Section Motions Panel
Box Interference
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UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 7 2001

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAT. & TM. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID KNIPE, ROBERT FINBERG and GEORGE SIBER,

Junior Party,
(Application 08/278,601)

v.

STEPHEN CHARLES INGLIS, MICHAEL EDWARD GRIFFITH BOURSSELL
and ANTHONY CHARLES MINSON,

Senior Party,
(Patents 5,665,362 and 5,837,261)

Patent Interference No. 104,363

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFFER and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Junior party Knipe has filed a paper "[p]ursuant to 37 C.F.R. 1.662" (Paper 131)
abandoning "the contest now existing in Interference No. 104,363, including Count 2

thereof (as set forth in the "ORDER REDECLARING INTERFERENCE issued by the Board of Patent Appeals and Interferences and dated May 18, 2001)." Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 2 (Paper 108, p. 2) is awarded against the junior party, DAVID KNIPE, ROBERT FINBERG and GEORGE SIBER;

FURTHER ORDERED that junior party, DAVID KNIPE, ROBERT FINBERG and GEORGE SIBER, is not entitled to a patent containing claims 1-9, 25-27, 29, 32-35, 37-40 and 42-49 (corresponding to Count 2) of Application 08/278,601;

FURTHER ORDERED that a copy of this judgment be made of record in Application 08/278,601 and the file of Patents 5,665,362 and 5,837,261; and

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

m.gk

FRED E. MCKELVEY, Senior)
Administrative Patent Judge)

RICHARD E. SCHAFER)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

CAROL A. SPIEGEL)
Administrative Patent Judge)

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